

House Study Bill 520

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a criminal offense for impeding the normal
2 breathing or circulation of the blood of another, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5231DP 82
6 jm/rj/14

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1 1 Section 1. Section 702.11, subsection 2, paragraph a, Code
1 2 2007, is amended to read as follows:
1 3 a. Willful injury in violation of section 708.4,
1 4 subsection ~~2~~ 3.
1 5 Sec. 2. Section 708.4, Code 2007, is amended to read as
1 6 follows:
1 7 708.4 WILLFUL INJURY.
1 8 Any person who does an act which is not justified and which
1 9 is intended to cause serious injury to another commits the
1 10 following:
1 11 1. A class "C" felony, if the person causes serious injury
1 12 to another.
1 13 2. A class "C" felony, if the person knowingly impedes the
1 14 normal breathing or circulation of the blood of another by
1 15 applying pressure to the throat or neck, regardless of whether
1 16 injury results.

1 17 ~~2. 3.~~ A class "D" felony, if the person causes bodily
1 18 injury to another.

1 19 EXPLANATION

1 20 This bill modifies the definition of the criminal offense
1 21 of willful injury. Under the bill, a person commits a class
1 22 "C" felony if the person who performs an act that is intended
1 23 to cause serious injury knowingly impedes the normal breathing
1 24 or circulation of blood of another by applying pressure to the
1 25 throat or neck, regardless of whether injury results.

1 26 The new offense under the bill is also classified as a
1 27 forcible felony under Code section 702.11. Under current law
1 28 and the bill, a person who commits a forcible felony is
1 29 required to be sentenced to prison without the possibility of
1 30 receiving a deferred judgment, deferred sentence, or suspended
1 31 sentence.

1 32 A class "C" felony is punishable by confinement for no more
1 33 than 10 years and a fine of at least \$1,000 but not more than
1 34 \$10,000.

1 35 LSB 5231DP 82

2 1 jm/rj/14.1